

REMARKS

The Examiner has rejected Claims 1-3 and 9-16 under 35 USC 103(a) as being unpatentable over the DeBolt SPEEDVIEW in view of Fritschi et al. The Examiner says that the binding system of Fritschi et al. “comprises pin 88 inserted into groove 90 disposed on the snowboard that maintains the binding in alignment with the snowboard while pin 87 is being adjusted. In light of the disclosure of Fritschi et al., it would have been obvious to one of ordinary skill in the art to provide the device disclosed by DeBolt with a guide groove that can maintain the base platform and the indexing platform in alignment while the indexing platform is moved in a sequential manner.” However, applicant submits that Fritschi et al. does not teach that the guide groove can maintain the base platform and the indexing platform in alignment while the indexing platform is moved in a sequential manner. Nothing in Fritschi et al. teaches or suggests that pin 88 remains in groove 90 while pin 87 is being adjusted. On the contrary, a review of Figs. 15 and 16 of Fritschi et al. show that it would be very difficult to maintain pin 88 in slot 90 while the guide element 4, 5 is lifted sufficiently to remove pin 87 from row of holes 91. Further, it would appear that if guide element 4, 5 was tilted sufficiently to try to remove it from pin 87 while maintaining slot 90 on pin 88, that pin 87 would bind in hole 91. Note that pins 87 and 88 are long enough that a slot 94 is provided so that clamping elements 92 and 93 can be put in place. Fritschi et al. says “After guide elements 4, 5 is mounted in the predetermined position on cylindrical pins 87 and 88, clamping elements 92 and 93 are pushed over cylindrical pins 87 and 88, which are each provided with a circular groove 94. Nothing in the description of Figs. 15 and 16 of Fritschi et al. suggest anything other than that the guide element 4, 5 is lifted completely off of both pins 87 and 88 and then replaced in a new position over pins 87 and 88.

As indicated in the current application, applicant’s prior art SPEEDVIEW was designed for use with a 96 well microscope plate and teaches the use of two columns of holes and two pins with the columns and the pins spaced apart sufficiently so that the pins can only fit into opposite column holes. In this way, proper alignment of the indexing platform on the base was assured when the two pins were received in two holes. However, when applicant tried to adapt the prior

art configuration for use with 192 well microscope plates, smaller pins and smaller indexing holes were required to provide the smaller accurate adjustments needed with the 192 well microscope plates. However, applicant found that the prior art configuration did not work well because with the smaller pins and holes, correct alignment of the indexing platform was not assured. Applicant was forced to solve the problem of being able to ensure the necessary alignment of the indexing platform as it moved the microscope plate from row to row. Applicant was able to solve the problem of providing closer spacing of the indexing holes while still assuring proper alignment of the indexing platform by providing the guide groove and indexing holes and an indexing pin as taught by the current invention.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all of the claim limitations. The teachings or suggestion to make the claimed combination and the reasonable expectations of success must both be found in the prior art and not based on applicant's disclosure.

In the present case, applicant was faced with the problem of providing closer spacing of indexing holes while still assuring proper alignment of the indexing platform to provide more accurate positioning of a microscope plate that was necessary for the 196 well microscope plate. While Fritschi et al. show a slot and a series of holes into which pins are placed to position a snowboard binding, the slots, holes, and pins are relatively large to hold a binding on the snowboard, and the binding has to be locked to the pins. Nothing in Fritschi et al. teaches anything about needing to achieve more accurate positioning and fine adjustment. Further, Fritschi et al. shows arcuate slots and overlapping hole configurations necessary to keep the two guide elements for holding the bindings "aligned with respect to central fixing element 6 upon fastening to the snowboard". The specific slots, pins, and holes taught by Fritschi et al. would not work in applicant's device, and the substitution of Fritschi et al.'s slots, pins and holes into applicant's prior art device would not provide applicant's device nor would they work in applicant's device of the invention. The Examiner says "In light of the disclosure of Fritschi et

al., it would have been obvious to one of ordinary skill in the art to provide the device disclosed by DeBolt with a guide groove that can maintain the base platform and the indexing platform in alignment while the indexing platform is moved in a sequential manner.” However, this is not what Fritschi et al. teach or suggest. Certainly there would be no expectation of success, or any success in substituting the slots, pins and holes of Fritschi et al. into applicant’s prior art device. That would not have solved applicant’s problem.

With respect to Claim 2, there is nothing in Fritschi et al. to teach or suggest an “indexing groove in the base platform from which the indexing holes extend”. Fritschi et al. merely show a plurality of overlapping indexing holes. There is no reason for Fritschi et al. to have such an indexing groove.

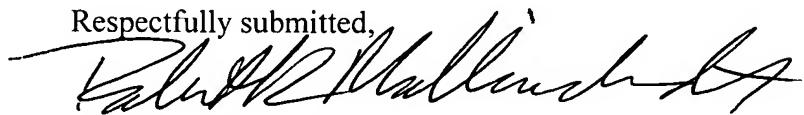
The Examiner has rejected Claims 4, 5, 17, and 18 under 35 USC 103 as unpatentable over DeBolt in view of Casteel et al. and Claims 6 and 19 under 35 USC 103 as unpatentable over DeBolt in view of Ozeki. The Examiner cites Casteel et al. to show a textured bottom surface made from polyurethane and has cited Ozeki to show receiving holes for pins extending from a microscope base. However, neither of these references teach or suggest applicant’s slot and hole arrangement. Possibly the Examiner meant to include Fritschi et al. in these rejections. If so, these cited patent add nothing to Fritschi et al. to make applicant’s invention obvious.

It is submitted that the Examiner has not shown a *prima facie* case of obviousness and that applicant’s claimed invention is not obvious. Favorable reconsideration is requested.

The Commissioner is hereby authorized to charge any additional fee or to credit any overpayment in connection with this Amendment to Deposit Account No. 20-0100.

DATED this 22nd day of June, 2009.

Respectfully submitted,



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